

## Strategy – Eliminating Safety Belt Exemptions and Increasing Penalties for Non-Compliance

### General Description

Crash data indicates that a person that is unrestrained is ten times more likely to suffer a class A or severe injury and twenty times more likely to suffer a fatal injury when compared with people who are belted. North Carolina motorists who refuse to fasten their safety belts, continue to drive up the cost of the crash tax (crash cost per person) in North Carolina. In 2003, this cost was over \$1,100 per person in the state.

Although North Carolina's safety belt use rate remains steady at 86.1 percent, it needs to be understood that this compliance rate is obtained from observational studies monitoring *only* front seat occupants of vehicles. In 2003, 36% of all highway fatalities in North Carolina was an unbelted vehicle occupant, while nearly half (43%) of motor vehicle related fatalities were unbelted. The data is shown below.

<b>Total Fatalities:</b>	<b>1,552</b>		
	<b><u>Total</u></b>	<b><u>Unbelted</u></b>	
Drivers Killed:	913	380	(41.6%)
Passengers Killed:	388	174	(44.9%)
<b>Total Vehicle Occupants:</b>	<b>1,301</b>	<b>554</b>	<b>(42.6%)</b>

A recent 2004 survey found that North Carolina's pickup truck and van safety belt usage rates lag far behind. These two vehicle types include many vehicles that are licensed as either Farm or Commercial vehicles (which presently are exempt from current safety belt laws.) Statewide safety belt surveys reveal that usage by drivers and occupants of pickup trucks is only 78.5% and that of full size vans is only 68.0 %. These rates compare to cars, minivans and sport utility vehicles, which are all above 90%. This represents a significant discrepancy and costs the state and taxpayers when the unbuckled drivers and passengers are injured or killed in crashes. The state also loses federal funding due to a safety belt usage rate that is lower than it could be if operators of Farm and Commercial vehicles were required to wear belts at all times.

Recent increases in total costs for front seat occupants not using their safety belts (from \$25 to \$75) had little to no effect on the compliance rates. It is evident that this small, one time fine has not been a sufficient enough penalty within itself to have the desired effect of increasing the overall compliance rate. The inability to assess either driver's license or insurance points to the violation also dilutes the law's effectiveness.

North Carolina has had many programs that have been beneficial in elevating safety belt compliance rates to the present levels, however, due to the number of annual fatalities that are unbelted, the time has come to take a more aggressive stance in saving lives by increasing the number of vehicle occupants that are properly restrained with safety belts. This is another opportunity for North Carolina to serve as a national leader and role model in highway safety.

The successful implementation of this strategy will result in legislative changes that will modify the current safety belt law to eliminate the exemptions that currently exist for "any vehicle

registered and licensed as a property-carrying vehicle in accordance with G.S. 20-88...” and also increase the penalties for not using safety belts. The changes to be implemented under this strategy are summarized as follows:

- Mandate safety belt usage for **all** vehicles except those exempted by Federal Standards,
- Mandate safety belt usage for **all** seating positions in a vehicle,
- Increase fines for non-compliance from \$25 per violation to \$100 per violation<sup>1</sup>,
- Assess one driver’s license point to the operator’s license for non-compliance<sup>2</sup>,
- Assess one insurance point to the operator for non-compliance<sup>3</sup> and
- Change the N.C. vehicle inspection process so that all inspected vehicles are checked to ensure that safety belts are present and operational.

<sup>1</sup>*Recommended fines are to be assessed to each unbelted occupant over the age of 16 in the vehicle. For occupants under the age of 16, the fine shall be assessed to the operator of the vehicle. The operator of the vehicle shall be subject to a maximum of one fine per incident.*

<sup>2</sup>*Recommended driver’s license points shall only be assessed for violations involving the operator or passengers under the age of 16 and shall be limited to one point per vehicle, per incident (i.e. the operator will not be assessed points for occupants over the age of 16 and neither will the occupant.)*

<sup>3</sup>*Recommended Insurance points shall only be assessed for violations involving the operator or passengers under the age of 16 and shall be limited to one point per vehicle, per incident (i.e. the operator will not be assessed points for occupants over the age of 16 and neither will the occupant.)*

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### ***Technical Attributes***

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Target	All motorists and occupants of vehicles that travel in North Carolina that do not presently wear their safety belts. It should be noted that this strategy and its components will have no effect on motorists who use their safety belts.
Expected Effectiveness	<p>With unbelted occupants comprising such a large percentage of serious injury and fatal crashes, it is anticipated that by increasing safety belt usage the number of serious injuries and fatalities will be reduced and in turn would result in a decrease in the annual crash tax in North Carolina.</p> <p>Research has found that lap/shoulder safety belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent. For light truck occupants, safety belts reduce the risk of fatal injury by 60 percent and moderate-to-critical injury by 65 percent.</p>
Keys to Success	<ul style="list-style-type: none"> <li>• Drafting of appropriate legislation.</li> <li>• Coordination between law enforcement agencies, prosecutors, the insurance profession, highway safety engineers, legislatures and the courts.</li> <li>• Public education involving news and print media.</li> <li>• Education of legislators as to the extent of the problem, the past efforts and the continued demonstrated need for additional measures to increase safety belt use compliance rates.</li> </ul>

Potential Difficulties	<ul style="list-style-type: none"> <li>• Passage of required legislation.</li> <li>• Public acceptance of the recommended changes.</li> </ul>
Appropriate Measures and Data	<ul style="list-style-type: none"> <li>• Change in the compliance rates.</li> <li>• Decrease in the number of fatalities that are unbelted.</li> </ul>
Associated Needs	Mutual understanding and cooperation between the key players; engineering, enforcement, insurance professionals, legislatures and the judicial system. If any one of these components breaks down, then the success of the entire process will be questionable.
Organizational, Institutional, and Policy Issues	<p>Close working arrangements among traffic law enforcement, courts, insurance professionals and traffic engineering need to be in place. In many areas, cooperation between different police agencies (local police department, state highway patrol and/or sheriff's department) may be required.</p> <p>Early involvement of all stakeholders is a must. They should have input at the beginning of the planning for a statutory change.</p>
Issues Affecting Implementation Time	Implementation time will only be affected by the time required to draft the proper legislation and then will be dependant on the successful passage of such legislation. Insurance companies and the Division of Motor Vehicles may need some time to modify their systems to begin assessing points for safety belt violations.
Costs	Cost for this strategy should be minimal.
Training	<p>Training Vehicle Inspection stations on how to check for proper safety belt operation.</p> <p>There may be a need to inform law enforcement officers of the new law to "rejuvenate" their desire to issue citations for safety belt violations.</p>
Legislative Needs	Passage of legislation.